



# KING COUNTY CIVIL RIGHTS COMMISSION

## ANNUAL REPORT TO EXECUTIVE

JANUARY 1 - DECEMBER 31, 2001

### COMMISSIONERS

Commissioner	Debra Willendorf (term expired 6/01)	District 1
Commissioner	Christine Landon (term began 7/01)	District 1
Commissioner	Mario Morales (term began 7/01)	District 2
Vacant		District 3
Commissioner	Barbara Hurst, Vice-Chair	District 4
Commissioner	Ryan Chin (term began 9/01)	District 5
Commissioner	Susanna Chung, Chair	District 6
Vacant		District 7
Vacant		District 8
Vacant		District 9
Commissioner	Hubert Sims	District 10
Vacant		District 11
Commissioner	Rachel Johnston, Esq.	District 12
Vacant		District 13
Commissioner	Alice Griffin	At-Large
Commissioner	Chuck Gilman	At-Large
Commissioner	Tracy Brown	At-Large

The King County Civil Rights Commission was established in December, 1995 to take a strong leadership role in raising community awareness and involvement on civil rights issues and to advise the King County Executive and County Council on matters related to the County's civil rights programs. Its primary goal is to ensure equal opportunity for all through the effective enforcement of anti-discrimination ordinances and implementation of the County's civil rights programs. The Commission works in collaboration with a variety of interest groups including community, business, civic, and religious organizations.

There are up to sixteen Commission members each serving three-year terms. County Council members representing each of the King County council districts nominate thirteen members, while the remaining three serve as at-large members, selected by the County Executive. All Commission members are confirmed by the County Council and serve without pay. It is the goal of the County to recruit people from diverse ethnic and protected group backgrounds. The Commission seeks representation from the African American, Asian American, Latino, Native American, Pacific Islander, Caucasian, Gay and Lesbian, and Disability communities. Commissioners reside within King County.

As the County's citizen advisory commission on civil rights, the KCCRC is responsible for reviewing and reporting on the effectiveness and progress of the county's affirmative action, non-discrimination enforcement, and minority/women business utilization programs. It is also responsible for educating the public and concerned groups on methods to prevent and eliminate discrimination and advise King County government on human and civil rights issues. The Commission periodically issues formal reports on its findings and makes formal presentations before the King County Council on a semi-annual basis. The ordinance creating the Commission also established four standing committees through which most of the work of the Commission is accomplished. The committees are Executive, Public Policy, Economic Development, and Community Relations.

The Executive Committee "performs administrative oversight activities of the commission, including representing the commission, conducting business outside of regular commission meetings, and performing other relating and necessary activities in the interest of ensuring an effective county human and civil rights commission." K.C.C. Section 3.10.050 (A).

The Public Policy Committee "shall review and make recommendations on legislation, public rules and/or policies related to any of the County's equal opportunity, affirmative action, disability access and minority and women's business utilization programs." K.C.C. Section 3.10.050 (B).

The Economic Development Committee "reviews and makes recommendations for enhancing opportunities for utilization and participation of minority and women businesses on county contracts and other related business development activities." K.C.C. Section 3.10.050 (C).

The Community Relations Committee “recommend[s] methods for educating concerned communities and the public at large on the work of the Commission and King County in advancing human and civil rights for all in the region and shall establish liaison with other regional and civil rights commissioners.” K.C.C. Section 3.10.050 (D).

In December 2000, Susanna Chung was elected Chair, Barbara Hurst was elected Vice Chair and Debra Willendorf was elected as an at-large member of the Executive Committee, all to take effect on January 1, 2001. In July 2001, Hu Sims was elected to replace Debra Willendorf as the at-large member of the Executive Committee. Between January and December, the Commission met regularly, without an August meeting, and rescheduling the November meeting. During this year, the Commission, under Susanna’s leadership, accomplished a number of achievements. They include:

#### Performing Other Relating And Necessary Activities In The Interest Of Ensuring An Effective County Human And Civil Rights Commission

- In May, the Executive Committee instituted a series of “Conversation” presentations whereby the Commission would be able to engage in dialogues on issues of concern to King County’s ethnic, racial, gender and disability communities, in order to develop a more cohesive, culturally sensitive and educated Commission. Presenters included the Rev. Harriet Walden, Mothers for Police Accountability; Mike Smyser from Public Health Seattle & King County, and Rachel McClinton, Living Voices.
- In May and June 2001, the Commission heard presentations by department directors on the proposed reorganization of the executive branch of King County, and reviewed the pertinent sections of the KC Ordinances that covered the operation of Diversity Management Services, the Board of Ethics, the Civil Rights Commission, the Office of Civil Rights Enforcement, and the Business Development and Contract Compliance Division within the Department of Finance.

#### Review And Make Recommendations On Legislation, Public Rules And/Or Policies Related To Any Of The County’s Equal Opportunity, Affirmative Action, Disability Access And Minority And Women’s Business Utilization Programs

- In January 2001, the Commission wrote their federal Senators expressing their concern about the appointment of Senator John Ashcraft as the Attorney General, and the positions he had taken against affirmative action in the past.

#### Inquest Proceedings:

- In March 2001, the Commission invited James Kelly and Prof. David Boerner of the County Executive’s Inquest Procedures Review Committee to the Commission’s regular meeting to discuss the Committee’s draft report to the Executive. A letter expressing the Commission’s concerns about the work of the

Committee and the recommendations contained in of the report followed the meeting. In particular, the Commission felt that: 1) many members of the community would feel that the Committee did not address their concerns about the fairness of the inquest process since the Committee's efforts have resulted in few changes; 2) overall, the community at large needs to be better educated about the entire inquest process including the message that civil suit on behalf of the deceased always remain an option, no matter what the outcome of the inquest procedure; 3) the judge should not make any final determinations on findings of facts, as the hearing was just to air the facts surrounding the death of a citizen while in law enforcement custody to the community; 4) families who seek an attorney may have a hard time getting an attorney who believes that they can not "win" a civil case if a determination has been made; 5) the inquest proceeding acts as a dry run for the prosecutor, i.e., it provides an opportunity for the Prosecuting Attorney's Office to present the evidence, examine and cross-examine witnesses in a less formal setting, prior to deciding whether or not the law enforcement officer should be indicted for his/her conduct; 6) it would be better to have a neutral, third party attorney present the case – someone who is not connected to the law enforcement community or to the family; 7) the case should be heard by an independent agency; 8) the community and family always perceive the appearance of and potential conflict of interest if the agency that is being investigated is also the one that uses the prosecutor to defend itself in similar criminal or civil cases; 9) the prosecutor and the judge who would make the determination have a working relationship that is hard to ignore or discount; 10) that there be an independent body --retired judges and attorneys, or rotation attorney selection process (similar to the jury selection process) of attorneys in the area who have as a "tour of duty"--an opportunity to serve the public by participating on a fact-finding hearing panel; 11) the judge who presides over the inquest proceedings has too much power and his/her role needs to decrease; 12) perhaps having an inquest panel made up of 3 to 4 judges could do that or by using an independent agency, i.e. hearing examiner, etc., 13) when there is a finding that the law enforcement officer caused the death of the citizen without justification, the prosecutor should be required to bring a case forward against that officer and it should not be left to the discretion of the prosecutor; and, 14) a list of pro bono attorneys should be provided to families who cannot afford a private attorney. These concerns were later shared with the County Executive.

#### County Non-Discrimination & Anti-Harassment Policy and Procedures

- The Commission reviewed the proposed King County Nondiscrimination and Anti-Harassment Policy and Procedures and submitted their comments to Diversity Management Services in February, and again in July 2001.

#### County Budget Cuts

- In July 2001, the Commission wrote the County Executive to question the impact of budget cuts on the County workforce and the County's Affirmative Action Plan. Of particular concern to the Commission was whether there would be a significant disadvantage to disabled employees as well as employees of color.

### Racial Profiling

- In August 2001, the Commission wrote the City of Renton Police Chief requesting information and expressing concern about an allegation of racial profiling in that community.

### Affirmative Action

- Throughout 2001, the Commission continued to meet with Maria Batayola of Diversity Management Services to discuss proposals for the 2001-2003 King County Affirmative Action Plan (AAP). The Commission had been disappointed with the decrease of women and person's with disabilities in the County workforce in the preceding year and was concerned that the King County workforce did not appear to be changing with the demographics within the County. In meetings with Maria Batayola of DMS, in the Office of Human Resources Management, the Commission called for a change in the method of setting hiring goals, to break out by gender, as well as minority status. Currently the goals for white females are combined with goals for minority females so they do not reflect true hiring goals. This has a disparate impact on the integrity of the goals. In the 1999-2001 AAP, an eight-factor analysis was used to test the minority, women and other EEO job categories in the King County work force and compliance to established hiring goals. The new AAP proposed by DMS would use a two-factor availability analysis; a) the percentage of minorities and women having the requisite skills which an employer can reasonably recruit; b) the percentage of promotable, trainable and transferable minorities/women currently employed in the County. The Commission expressed concern over the proposed change believing that it will result in either no change in the County workforce profile or that the profile will become significantly less diverse.
- In April 2001 the Public Policy Committee reviewed the Draft Affirmative Action Plan for the years 2002-2003 presented by Diversity Management Services for our comments prior to its submission to the County Council. The draft AAP was a "skeleton" plan, containing no data as to current utilization or availability, due to the absence of new Census data and data problems. DMS planned to update these sections with actual data by 3/31/02. They asked that the skeleton plan be approved "as is". (The draft AAP specifically continues the availability and goals set out in the current 1999-2001 AAP, which continues the goals from the 1997-1998 availability and goals.) Although not set forth in the draft AAP, DMS called for the development of specific action steps to approve affirmative action for persons with disabilities. After discussion, the Commission adopted this position, which in essence calls for DMS to submit to County Council: 1) By May of 2001, an ordinance requesting the extension of the current workforce availabilities for women, minorities and persons with disabilities through December 31, 2002 to ensure continuing compliance with our federal funding requirements, given the expiration of the Plan by the end of this year, and, 2) By May 2002, submit to Council an ordinance to adopt which would include new workforce availabilities

reflecting 2000 Census data, 2001-year end analysis, 2001 employee changes and the 2003-2004 numerical goals.

- In June 2001, the Commission testified before Council on the proposed ordinance extending the 1999-2001 Affirmative Action Plan (AAP) and Workplace availabilities through 2002. The Commission supported the proposed ordinance because DMS indicated that it had problems obtaining accurate employee data due to computer systems that are incompatible, along with staffing problems, which had made it difficult to put together the necessary workforce analysis. The new census figures were out, but were not in easily useable form yet. These are necessary for calculating new workforce availabilities. The Commission's support for this ordinance came with the caveat that the workforce availabilities will not be extended once again. Despite the tremendous problems the County was facing in terms of resources, the Commission believed that a current AAP is important both in terms of keeping federal contract dollars and for maintaining non-discrimination within the workforce. The 1999-2001 AAP uses workforce availabilities calculated in 1996. It is important that the County be in compliance with federal regulations that require that workforce availabilities use the most "current and discrete" census data.
- Because the County would begin working on the new AAP within a few short months, we recommend that they include the following 4 items: 1) the new AAP must apply to temporary and part time staff. This is specifically stated in the federal register. Also, because there are so many temporary and part time staff hired within the County and because they are often the very people that are hired into full time positions, it is imperative that workforce availabilities and hiring goals apply to part time staff as well. 2) The new AAP must track employee movement. This is also specifically stated in the federal register. It becomes imperative to the County given the staff reductions now and in the near future. We want to know who gets released from employment, who finds other positions within the County, who gets promoted, etc. 3) The new AAP must begin to track available training opportunities within the County. This is necessary because the new federal rules allow for a 2-factor analysis to set workforce availabilities instead of the previous 8-factor analysis. One of the 2 factors is the percentage of minorities and women among those currently in the workforce that are promotable, transferable and trainable. The County currently does not track the different types of training offered to assist employees to move into a different position. 4) The new AAP should calculate workforce goals in terms of gender/minority status as 2 separate categories, not one combined category. We also recommended that a new and complete AAP go through the full vetting process in 2002 to obtain further input from Stakeholders and to seek approval from the Council.

Review and Recommendations for Enhancing Opportunities for Utilization and Participation of Minority and Women Businesses on County Contracts and Other Related Business Development Activities

- During 2001, the Commission reviewed the 2000 Annual Report Boost Recommendations and received responses to the recommendations on how King County can achieve the highest utilization of MWBE/DBE and Small Business contracts and continued to monitor the progress of the newly enacted BOOST ordinance. We are still awaiting the finalization of BOOST policies and procedures.
- In December, the Commission held a meeting with a group of small business owners to discuss the "Historical Evolution of Proposed Implementation of King County Boost Ordinance." The group was asked, "What would you like to see included in the Boost Policies and Procedures?" Many of the businesspeople present expressed a concern about the reduction of utilization of WMBE businesses by prime contractors. The group of small business owners recommendations included:
  - a. Waive the fifteen (15) clock hours of training requirement, depending upon experience/expertise in the business.
  - b. Create access to capital through a King County Small Business Financial Loan Program for MWBE/DBE/Small Businesses.
  - c. Provide prompt payment to sub-consultants (net 30 or less) to ensure that small businesses have working capital to remain in business.
  - d. Use the Community Reinvestment Act to push banks to create a loan fund for small businesses.
  - e. Develop a King County Director performance goal on how well they contract with diverse businesses during the performance evaluation process.
- The Commission recognizes the data problems faced by BDCC. However, we believe that the data is essential to administering a progressive and effective program. We continue to be concerned by the lack of consistent reporting. We are hopeful that when a Data Administrator is hired a data tracking and reporting system will be developed and implemented. Moreover, we believe that an effective and efficient data reporting system will assist King County in achieving their goal: enhancing opportunities for utilization and participation of minority and women businesses on county contracts and other related business development activities. Finally, we look forward to continue our work with BDCC and to establish a relationship with ORPP to discuss other business development activities to achieve the maximum utilization of disadvantaged small businesses for King County.

#### Educating Concerned Communities and the Public at Large on the Work of the Commission and King County

- Dr. Martin Luther King Jr. Annual Celebration & Essay Contest: The Commission was unable to present an award for their annual Dr. Martin Luther King, Jr. Essay

Contest in January 2001. The Commission Administrator again represented the Commission on the Celebration Planning Committee.

- WASPC Resolution and “Profile Stops in Washington State – A Law Enforcement Response”: In January 2001, the Commission responded to a WASPC request for comments on their draft.
- WASPC “Preventing Biased Policing and Perceptions of Biased Policing” Policy: In April 2001, the Commission provided their comments and suggestions on the Washington Association of Sheriffs and Police Chiefs (WASPC) draft model policy on “Preventing Biased Policing and Perceptions of Biased Policing”, at the request of WASPC.
- The Inquest Process: The King County Civil Rights Commission, in collaboration with the Seattle Human Rights Commission, the American Civil Liberties Union (ACLU) and Mothers for Police Accountability, hosted a community forum on the King County inquest proceedings, at Mt. Zion Baptist Church on September 20, 2001. During 2000 there had been a number of law enforcement-related deaths of community members in King County that have required inquest hearings. Many community members questioned the validity of the inquest proceedings as King County inquest juries almost always found law enforcement actions justified. The purpose of this forum was to better educate King County residents about inquest proceedings and what they were designed to accomplish, as well as to highlight some proposed changes in the inquest procedures. Presenters at the forum included Prof. David Boerner, chair, Inquest Procedures Review Committee; Ted Spearman, private attorney; Mark Aoki-Fordham, ACLU attorney; Rev. Harriett Walden, Mothers for Police Accountability; and Hubert Sims, Commissioner, King County Civil Rights Commission. King County Councilmember Larry Gossett was the master of ceremonies. This forum provided the community with the opportunity to learn more about inquests, as well as planned changes to the inquest proceedings, and to comment on those changes.
- Relationship with King County Sheriff’s Office (KCSO): In 2001, the Commission continued to have a positive working relationship with the King County Sheriff’s Office, due, in large part, to the efforts of Chief Fabienne Brooks, who acts as a liaison between the KCSO and the Commission. As a result, the Commission co-sponsored a series of public community meetings, entitled “Interactions with the Police”, with the Sheriff’s Office, who provided representatives to lead thought provoking discussions dealing with traffic stops and contacts that KCSO deputies make. The KCSO asked the Commission to help them reach out to the greater community to gain input regarding KCSO policy involving data collection, and biased-based policing. These forums took place in Kenmore, Maple Valley, Burien, and Shoreline.
- Discrimination in Health Care: Based on the presentation by Mike Smyser, Epidemiologist, Planning and Evaluation Unit, Public Health – Seattle & King



County, the Commission joined with Public Health to convene a planning committee of community and civil rights organizations to pursue a community education forum on this topic. Commissioners and the Commission Administrator continue to participate in ongoing meetings and discussions regarding the planning of a forum on Discrimination in Healthcare for 2002.

➤ Commissioners and the Commission Administrator met and/or networked with the following community organizations during 2001:

1. Committee to Reform The Criminal Justice System
2. Seattle Central House
3. Police Accountability Sub-Committee
4. Urban Enterprise Center Greater Seattle Chamber of Commerce
5. Organization of Chinese Americans of Greater Seattle
6. Chinese American Association for Professionals
7. Southeast Seattle Crime Prevention Council
8. ACLU
9. Mothers For Police Accountability
10. Committee to Undue Racism Everywhere (CURE)
11. Urban League of Metropolitan Seattle
12. NAACP – Seattle Branch
13. Central Area Motivation Program
14. Minority Executive Directors Coalition
15. WA State Assoc. of Black Professionals in Health Care
16. Odessa Brown Children's Clinic
17. Inter Afrikan Konnections
18. Cross Cultural Health Care Program
19. WA Council of Civil & Human Rights Organizations

Commissioners also attended community events, such as “Civil Rights in Seattle: An Eye On Racial Profiling”.

Establish Liaison with Other Regional and Civil Rights Commissioners

- Participation in Human Rights Day: The Commission Administrator represented the Commission on the planning committee for the Sixth Annual Seattle Human Rights Day Celebration. This year's keynote speaker was Loung Ung, human rights activist, national spokesperson for Campaign for a Landmine for a Free World, and author of *First They Killed My Father, A Daughter of Cambodia Remembers*. The event, cosponsored by the King County Civil Rights Commission, was free and featured other entertainment and light refreshments. It was wheelchair accessible and was sign language interpreted.
- Meeting with Regional Civil & Human Rights Commission: On December 19, 2001, the Commission met with Chairs of the following regional civil & human rights commissions: Seattle Human Rights Commission, City of Renton Human Rights and Affairs Commission, and City of SeaTac Human Relations

Commission. They discussed ways that they could support each other's work and provide greater service to residents of King County.

#### Administrative

- This year resulted in the appointment of five new Commissioners: Tracy Brown, Ryan Chin, Christine Landon, Mario Morales, and Hubert Sims. Two Commissioners concluded their terms this year, Debra Willendorf, and Chuck Gilman. One Commissioner, Camilo de Guzman, resigned. There is also one new Commissioner, Steve Saunders, chair of the 504/ADA Committee, whose appointment is pending confirmation by Council.
- New Commissioners were invited to attend a half-day orientation program on Civil Rights programs in the County, in July 2001.
- In July 2001, the Commission received an update on changes in the State Open Public Meeting Act, and how it would affect how the Commission conducted its meetings.
- The Commission developed and implemented quarterly reporting requirements for each of the four committees. Said reports were to be provided by each committee chair.
- At the end of the year, the Administrator for the Commission, and the Commission, moved to Office of Civil Rights, in the new Department of Executive Services.

**KING COUNTY CIVIL RIGHTS COMMISSION ANNUAL REPORT  
TO COUNTY EXECUTIVE and COUNTY COUNCIL  
Approved and Adopted by the Civil Rights Commission on April 17, 2002**